

REMARKS/ARGUMENTS

Applicant expresses appreciation to the Examiner for consideration of the subject patent application. This amendment is in response to the Office Action mailed March 28, 2006. Claims 1-29 were rejected. The claims have been amended to address the concerns raised by the Examiner. Issues raised with respect to dependent claims may not be directly discussed, but are addressed through establishing patentability of the base claims. Claims 12 and 13 were cancelled with prejudice. Claims 1-11, 14-29 remain; and, new claims 117-146 have been added. Six independent claims, and 57 total claims, are now pending in the application. 16 independent claims and 116 total claims were paid for when the application was filed, and thus no additional claim fees are due.

Claim Rejections - 35 U.S.C. § 102 and 103, and obviousness-type double patenting

The claims have been amended in light of the Examiner's comments. The prior art of record does not teach parametric sound reproduction using a thin film diaphragm which is relatively large compared to ultrasonic wavelengths. Each of the independent claims, as amended, includes such a limitation. Applicants have realized that unlooked for increases in performance over using multiple small emitters having separate diaphragms obtains with the monolithic film construction in accordance with the invention. For example, the output is more phase aligned across the device which increases sensitivity.

Applicant's contribution to the art in this invention is the discovery that it is advantageous to use a single piece of film over a relatively large area, in parametric reproduction. That is what is set forth in the claims as amended. That is to say, a limitation which requires the film to be large enough dimensionally to create a beam output is included in every independent claim, though the form of the limitation varies claim by claim. Applicant's intend the commonly understood (i.e. dictionary definition) meaning of "beam" in this context.

This is not taught or suggested in the art of record. Moreover, as to the double patenting issue, the claims as amended are not an extension of the patent grants made earlier. Limitations, (e.g. that of film size) distinguish the invention for which a patent is sought here from that set forth in the claims of the cited prior patents. Because the applications have overlapping

disclosures does not of itself give rise to a double patenting issue, nor does the fact that they concern the same thing: generating parametric audio output. The question is whether the claims are patentably distinct, and for at least the reason that using relatively large monolithic films for parametric reproduction is novel, this distinguishes over the cited prior patent claims.

CONCLUSION

In light of the above, Applicant respectfully requests reconsideration of the claims as amended. The Commissioner is hereby authorized to charge any additional fee or to credit any overpayment in connection with this Amendment to Deposit Account No. 20-0100.

DATED this 28th day of September, 2006.

Respectfully submitted,


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